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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,978	09/19/2003	Anthony John Wood	ROKU-001/00US	5370

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EXAMINER	
KOSTAK, VICTOR R	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/665,978	WOOD ET AL.	
	Examiner	Art Unit	
	Victor R. Kostak	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claim 26 (amended to incorporate the subject matter of original base claim 27, indicated as being allowable) is now rejected based on newly-found art. The dependent claims therefrom are also rejected based on the art applied in the last Office action. The examiner regrets prolonging prosecution.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 26 is now rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (of record) in view of Yatomi et al.

Reviewing Jiang, (noting Figs. 1, 2 and 6) he displays imagery in high-definition form on a media player (any of various kinds: col. 12 lines 7-11), and includes any of various source devices including peripherals, storage devices, disks and ROMs (col. 2 lines 54-67). His system includes an engine 220 that is capable of generating first and second high-definition imagery on display 150, and overlaying animation (e.g. col. 5 lines 55-65), wherein an event indicator is included to indicate that an event associated with the overlay is occurring, which in turn flips or switches the high-definition display presentation (col. 6 lines 37-63). The display of any electronically-generated imagery can be considered electronic art.

It would have been obvious to one of ordinary skill in the art to display a clock as an overlay, as taught by Yatomi (Fig. 6; col. 6 lines 5-9), which would indicate when that event (i.e. any

action prompted by the user or a timer) is occurring, which thereby gives immediate notice to the viewer with the timing of the event.

3. Claim 1 is now rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. view of Yatomi et al., and in further view of Maine (of record).

Reviewing Maine, his system Maine (noting Figs. 2 and 3) includes an executive 104 that corresponds to the claimed media player (as it plays any of plural media from any of plural media sources). The image play can be done on a high-definition monitor (section [0062], and executive 104 can include plural input ports to accommodate plural portable media sources [0074], [0082], the executive being interfaced by unit 102 connected by an inherent port and indirectly connected to the output terminal of the executive 102 for selecting an image file from the portably stored content (from a DVD, for example), to generate a high definition image on the high definition display 108.

It would have been obvious to one of ordinary skill in the art to provide the multiple ports of Maine in the system of Jiang modified by Yatomi for the benefit of allowing the user to associate plural diverse data devices, thereby expanding the user's options for variety. Jiang also points out that his system involves any of various source options including high definition TV (col. 12 lines 7-11), further suggesting the desirability of to engage in expanded applications.

4. Claims 2-5 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al., Yatomi et al., and Maine, and in further view of Prinson (of record).

Maine points out that his executive media player 104 can be upgraded through the use of interchangeable modules (section [0082]). It would therefore have been obvious to

upgrade his media player with the addition of a screen saver to monitor the lack of activity and therefore display substituted imagery, and for the additional benefit of presenting pleasing imagery when no active imagery is otherwise displayed, as taught by Prinsen (col. 4 lines 1-5 and lines 28-38), so allowed by Maine, thereby meeting claims 2 and 3.

As for claim 4, the screen saver imagery comes on when there is an insufficient amount of motion in the current imagery (designated by some inherent threshold as a stationary image: Prinsen col. 4 lines 28-30).

As for claim 5, the imagery is inherently defined by a two-dimensional pixel array, and motion or lack thereof is detected and determined to represent stationary imagery when insufficient pixels exhibit motion, thereby triggering the screen-saver substitution.

5. Claims 6 and 7 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al., Yatomi et al., and Maine, and in further view of Kelly (of record).

As noted above, Maine points out that his executive media player 104 can be upgraded through the use of interchangeable modules (section [0082]). Kelly includes an auto-run file feature (col. 6 lines 23-26) which provides the benefit of running specific files without the need for user prompting, instead relying on file identification. It would have been obvious to one of ordinary skill in the art to include such an auto-run module in the system of Maine for the benefit of running selected multimedia files without the need for user intervention, and because Maine allows for system upgrades of any kind, thereby meeting claim 6.

As for claim 7, the image file of Kelly is an auto-run file, and since Maine allows for any module that provides an upgrade in his image/audio media player, it would have been obvious to use auto-run capabilities in his system to thereby enable automatic playback of image files instead of needing the input of the user.

6. Claim 8 is now rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al., Yatomi et al., and Maine, and in further view of Saiki et al. (of record).

The high-definition display unit of Saiki (noting Fig. 3) includes an ambient light sensor for adjusting the display characteristics upon determining the degree of ambient light during display operation (col. 7 line 62 - col. 8 line 21), resulting in an improved presentation that is not effected by surrounding lighting conditions. It would have been obvious to include such a module in the system of Jiang as modified by Yatomi and Maine for the express purpose of maintaining adequate display brightness levels regardless of the ambient lighting conditions, and as Maine allows for a multitude of upgrading, as discussed throughout.

7. Claims 9 and 12 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al., Yatomi et al., and Maine, and in further view of Kelts (of record).

The multimedia player of Kelts (e.g. Figs. 1-4 and 27) includes high definition capabilities (section [0107]) as well as display orientation selection ([0088]) . It would have been obvious to one of ordinary skill in the art to include such orientation options in the multimedia player of Maine for the purpose of providing the user with extended display capabilities, to thereby present the user with as much variety and options for playback as possible, such being a high

consideration of the skilled artisan in the multimedia presentation field. Furthermore, and as stated previously, Maine corroborates this as he points out that any plural upgrades in functionality of his multimedia player system is welcome, thereby meeting claim 9.

As for claim 12, Maine also points out that any type of source device can be incorporated in his media player, including solid-state storage or any other removable or non-removable media ([0036]). In view of this express allowance, it would have been obvious to use a flash card which is a type of removable media and which is very well known and as shown by Kelts in his similar media player (elements 794 and 784 in Fig. 27).

8. Claim 10 is now rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al., Yatomi et al., and Maine, and in further view of Hansen et al. (of record).

Since Maine allows for the inclusion of interchangeable modules for the purpose of upgrading his media player, it would have been obvious to include a thumbnail resolution manager as disclosed by Hansen in his high-definition media player [0006], [0074], [0099], [0100], which provides an upgrade by allowing displays to be selectively limited in size and therefore multiple simultaneous viewing of plural data.

9. Claim 11 is now rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al., Yatomi et al., and Maine, and in further view of Lauer et al. (of record).

It would also have been obvious to include a smart display manager module as disclosed by Lauer (col. 14 line 62 - col. 15 line 5) for the express benefit of scaling an image based on a display screen size or shape, which would thereby allow the user of the system of Jiang as modified by Yatomi and Maine, to accommodate any of the input sources regardless of their

respective image dimensions, on the high resolution display screen.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.

Victor R. Kostak
Primary Examiner
Art Unit 2614

VRK